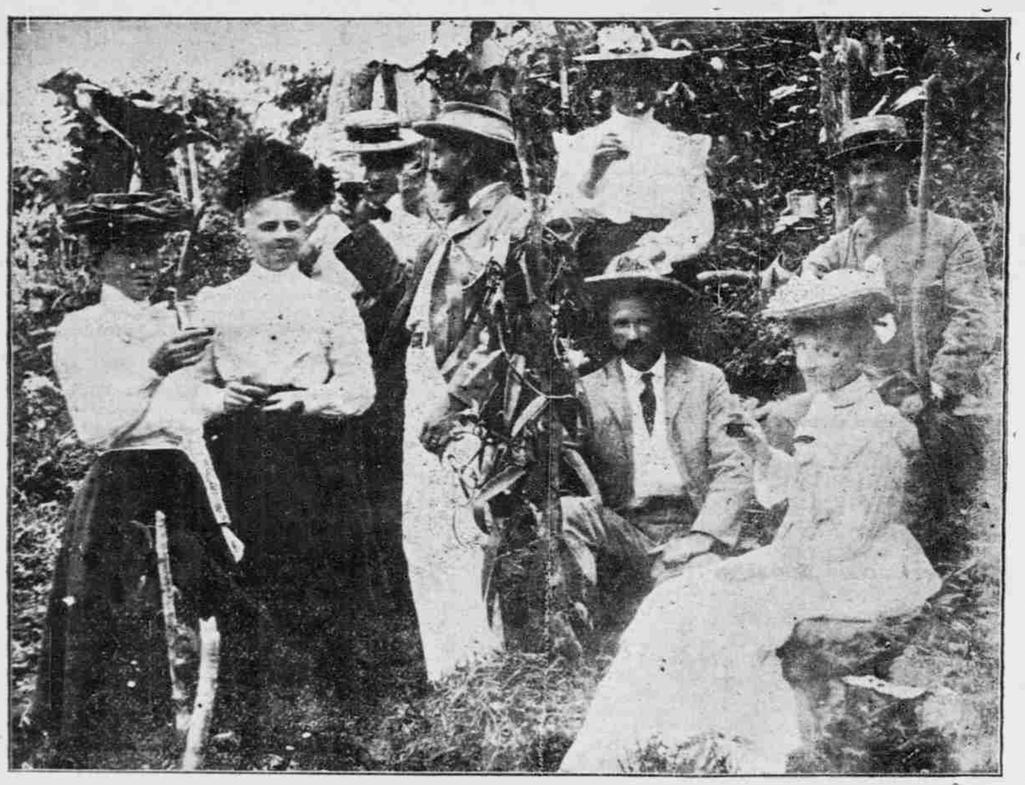
NOTICE.

ANY WOMAN OR GIRL NEEDING help or advice, is invited to communicate, either in person or by letter, with Ensign Nora M. Underhill, matron of the Salvation Army Woman's Industrial Home, Young street, between Artesian and McCully streets, mauka side, Honolulu.

VANILLA VINE ON THE EDWARDS' ESTATE AT NAPOOPOO.



IN EDWARDS' VANILLA ESTATE AT NAPOOPOO.

JUDGE ESTEE WILL NOT GIVE SNAP JUDGMENT

(Continued from page 5.)

against the public or a grant of a civil right to a private person." Ib. 1133.

A Statute authorizing a third person to bring an action to recover three times the money value lost by gaming is a penal statute. Cole vs. Grove, 134 Mass. 471.

Such an act is "not to be extended by construction." Chase vs. Curtis, 114 U. S. 452. 28 L. E. 1040.

CONSTRUCTION OF STATUTE.

The statute in providing that the penalty "may be sued for and recovered by the United States or by any person who shall first bring his action therefor", intends to facilitate the enforcement of the law in cases in which the United States officials are negligent or uninformed: the enrichment of individuals is not intended by the statute. If the United States had first brought this action that would have barred the plaintiff. While Congress may authorize the Courts "to investigate and ascertain the facts on which the right to land depends" yet "on the other hand the final determination of those facts may be entrusted by Congress to executive officers; and in such a case, as in all others, in which a statute gives a discretionary power to an officer, to be exercised by him upon his own opinion of certain facts be is made the sole and exclusive judge of the existence of those facts, and no other tribunal, unless expressly authorized by law to do so, is at liberty to re-examine or controvert the sufficiency of the evidence on which he acted." Ekiu vs. U. S., 142 U. S. 651. 35 L. E. 1149.

The method authorized by Congress for deciding upon the legality of the immigration of these Korean has been followed. The intention of Congress to give Immigration Officers an opportunity to investigate and finally decide these matters would be frustrated and not promoted by allowing the plaintiff's suit.

WHEN DECISION IS FINAL.

Under statutes making decisions of the officers final when adverse to the alien, courts uniformly decline to review such decisions, on the ground that the jurisdiction of the executive tribunal is exclusive. (Eight Federal cases are here cited.)

There is no limitation on the finality of the decision of the Special Board of Inquiry under the Act of March 3, 1903. An appeal may be taken either by a member of the Board or by the alien. If not taken, the decision "shall be final."

The same Act gives a private person as well as the United States a right not before granted, to sue in his own name and for his own benefit; provided, however, that he shall bring suit first. The former statute required the proceeds of the suit to be paid into the United States Treasury, and that the United States District Attorney conducted the suit. Rosenburg vs. Union Iron Works, 109 Fed. 844.

This change in the law makes it all the clearer that "a final decision" by the United States official Board shall not only end the controversy, as far as the United States is concerned, but shall also bar private suits.

That, by force of general law, the United States may be barred from a civil action for a forfeiture by a former acquittal is held in Coffey vs. U. S., 116 U. S. 436, 29 L. E. 687.

PLAINTIFF IS BARRED.

The plaintiff's right is necessarily subordinate to that of the Government. A final decision concludes all further inquiry at the instance of any person, as well as officials, upon the question of the status of the alien.

The decision of the alien's status is in the nature of a decision in rem, good against all persons. 2 Freeman Judgments, Secs. 606, 607. 1 Hermann Estoppel, Secs. 290, 294, 296.

The plaintiff's case is that of a tax payer who is concluded by a judgment against the municipality because he has no other interest than that which the municipality has. 1 Freeman Judgments, Secs. 174, 178. McIntyre vs. Williamson, 65 P. 244. Commissioners vs. Beaver, 156 Ind. 45, 60 N. E. 150.

Whether as a judgment in the nature of a judgment in rem, good as against the world, or a judgment binding the United States and therefore all who have no private interest in the matter, the decision is a bar to this suit. See also U. S. vs. The Haytian Rep., 154 U. S. 118, 129, 38 L. E. 934. Wash. Alex. & G. P. Co. vs. Sickles, 72 U S. 580, 18 L. E. 554.

Sec. 29, Act 1903, gives the United States Circuit and District Courts "full and concurrent jurisdiction of all causes, civil and criminal arising under any of the provisions of this Act." This was the precise language of the earlier statutes, under which Courts declined, in cases of rejected aliens, to take jurisdiction further than to ascertain whether their cases had been considered and decided by the officers charged with the administration of the immigration laws. See Sec. 13, Act March 3, 1891.

This plea is in the nature of a plea of estoppal, and not technically a plea in bar. 8 Ency. Pl. and Pr. 5. Heard on Civil Pl. pp. 163, 164.

Pleas by way of estoppel are favored in law.